

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hench et al. Art Unit: 2665  
Serial No. : 09/710,487 Examiner: T. D. Tran  
Filed : November 10, 2000  
For : METHOD AND APPARATUS FOR THE PREDICTION AND  
OPTIMIZATION IN IMPAIRED COMMUNICATION SYSTEM

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Via EFS-WEB*

NOTICE OF REINSTATEMENT OF APPEAL

Applicant hereby reinstates its appeal of the final rejection of claims 1, 2, 4, 6, 8-20, 22, 24-31, 33, 35 and 37-41 dated October 10, 2006 and the objection to claims 7 and 36.

Applicant has already appealed the rejection now being made, and filed a brief on that appeal on December 14, 2005. The appealed rejection was not withdrawn except as to dependent claims 7 and 36 and remains the only rejection of record. Applicant hereby reinstates the prior appeal based on its previously-submitted notice and brief.

Applicant has already paid the fees for this prior appeal that is being reinstated. If, however, a fee is required, payment therefor may be charged to the undersigned's Deposit Account No. 23-3000.

---

**Certificate of Electronic Transmission**

I hereby certify that this correspondence and any enclosures are being electronically transmitted via EFS-WEB on the date indicated below.

/Thomas W. Humphrey/  
Thomas W. Humphrey  
Reg. No. 34,353

January 10, 2007  
Date

Respectfully submitted,

/Thomas W. Humphrey/

Thomas W. Humphrey  
Reg. No. 34,353

Wood, Herron & Evans, L.L.P.  
2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202-2917  
Voice: (513) 241-2324/Facsimile: (513) 241-6234